

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES B. GARNER,

Case No. 2:05-CV-79

Plaintiff,

Hon. Richard Alan Enslen

v.

UNKNOWN NAPEL, *et al.*,

ORDER

Defendants.

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This matter is before the Court on Plaintiff James B. Garner's Motion for Reconsideration. Plaintiff seeks to reinstate claims against Defendants Napel and Milliner, who were dismissed from this civil rights action by Opinion and Partial Judgment of July 1, 2005. Since Petitioner is proceeding *pro se*, the Court reviews the Motion consistent with the indulgent standards accorded *pro se* filers. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). Notwithstanding this generous interpretation, Petitioner has not made a sufficient showing to obtain relief.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Plaintiff's Motion fails to meet this standard as well as the standards for relief under Federal Rules of Civil Procedure 59 and 60. No palpable error has been shown nor has it been shown that a different disposition should result. Simply put, the previous Opinion and Partial Judgment remain a proper disposition of the case for the reasons explained therein and the reasons argued in the opposition briefing.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff James B. Garner's Motion for Reconsideration (Dkt. No. 155) is **DENIED**.

DATED in Kalamazoo, MI:
October 5, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE